

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE MINNESOTA BOARD OF  
PEACE OFFICER STANDARDS AND TRAINING

In the Matter of Alan Knowlton II,  
License No. 13490

FINDINGS OF FACT,  
CONCLUSIONS,  
AND RECOMMENDATION

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This matter came on for a Prehearing Conference before Administrative Law Judge Beverly Jones Heydinger at 1:30 p.m. on Wednesday, June 21, 2000, at the Office of Administrative Hearings. Michele M. Owen, Assistant Attorney General, 525 Park Street, Suite 200, St. Paul, MN 55103-2106, appeared for the Complaint Investigation Committee of the Board of Peace Officer Standards and Training. Alan Knowlton II did not appear in person or by counsel. The record closed on the date of the Prehearing Conference.

This report is a recommendation, not a final decision. The Minnesota Board of Peace Officer Standards and Training ("Board") will make the final decision after a review of the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minn. Stat. § 14.61 (1998), the Board shall not make a final decision until this Report has been made available to the parties for at least ten days. The parties may file exceptions to this Report and the Board must consider the exceptions in making a final decision. Parties should contact Neil W. Melton, Executive Director of the Board at the Minnesota Board of Peace Officer Standards and Training, Complaint Investigation Committee, 1600 University Avenue, Suite 200, St. Paul, MN 55104-3825 to learn the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

1. Did Mr. Knowlton plead guilty to a gross misdemeanor, and violate Minnesota Rules 6700.1600(C) (1999)?
2. Does Mr. Knowlton's conduct constitute grounds for disciplinary action by the Board?

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

## FINDINGS OF FACT

1. On May 9, 2000, the Notice of and Order for Hearing and Prehearing Conference in this matter was served upon Dean S. Grau, Attorney at Law, 5010 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402.<sup>[1]</sup> Mr. Grau represented Mr. Knowlton at a conference held with the Complaint Investigation Committee on March 24, 2000.<sup>[2]</sup> Upon receipt of the Notice of and Order for Hearing, Mr. Grau notified Ms. Owen that he no longer represented Mr. Knowlton.

2. The Complaint Investigation Committee arranged for personal service on Mr. Knowlton at 1038 Grant Street, Anoka, Mn. 55303. This was the address given to the Complaint Investigation Committee by Mr. Knowlton at the conference on March 24, 2000. Persons at that address told the process server that Mr. Knowlton no longer lived there.<sup>[3]</sup>

3. The Attorney General's Office requested a forwarding address from the Anoka Post Office and was informed that Mr. Knowlton's mail was still being accepted at the Anoka address.<sup>[4]</sup>

4. On June 14, 2000, the Notice of and Order for Hearing and Prehearing Conference was sent by certified mail, return receipt requested, and by first class mail, addressed to Alan Knowlton, 1038 Grant Street, Anoka, MN 55303. The return receipt was received by the Attorney General's Office, and the notice sent by first class mail was not returned.<sup>[5]</sup>

5. On June 21, 2000, Ms. Owen received a telephone call from Thomas Rowe, Attorney at Law, notifying her that he was not representing Mr. Knowlton, but that Mr. Rowe and Mr. Knowlton had discussed the Notice of and Order for Hearing and Prehearing Conference. Mr. Rowe informed Ms. Owen that Mr. Knowlton would not appear at the Prehearing Conference and would let the matter proceed by default.

6. On June 21, 2000, Mr. Knowlton failed to appear at the Prehearing Conference.

7. The Notice of and Order for Hearing and Prehearing Conference served on February 14, 2000, informed Mr. Knowlton that if he failed to appear at the Prehearing Conference the allegations set forth in the Notice of and Order for Hearing and Prehearing Conference could be taken as true, and a default order could be issued. He was informed that such an order could result in disciplinary action, including loss of his license to practice as a peace officer in the State of Minnesota.

8. Because Mr. Knowlton failed to appear, he is in default.

9. Pursuant to Minn. Rules part 1400.6000, the allegations contained in the Notice of and Order for Hearing and Prehearing Conference are taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### CONCLUSIONS

1. Alan Knowlton II is a peace officer licensed by the Board of Peace Officer Standards and Training.

2. The Board of Peace Officer Standards and Training and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, and 214.10 (1998)

3. The Board has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

4. The facts set out in the Notice of and Order for Hearing and Prehearing Conference constitute a violation of Minn. Rules pt. 6700.1600(C). It states:

Violation of any of the following standards of conduct by a licensee constitutes grounds for disciplinary action:

\* \* \* \*

C. being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

### RECOMMENDATION

IT IS HEREBY RECOMMENDED: that the Board take disciplinary action against Alan Knowlton II.

Dated this 27<sup>th</sup> day of June, 2000.

S/Beverly Jones Heydinger  
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BEVERLY JONES HEYDINGER  
Administrative Law Judge

Reported: Default

## NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1 (1998), the Board is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

## MEMORANDUM

Alan Knowlton II did not appear at the hearing to refute the allegations against him, nor did he contact the Board or the Administrative Law Judge to ask for a continuance of this matter.

The Complaint Investigation Committee asked that Exhibits 1 through 13 be added to the record to document the facts that led up to its decision to issue the Notice of and Order for Hearing and Prehearing Conference. Those documents have been added to the record.

The allegations set forth in the Notice of and Order for Hearing and Prehearing Conference are taken as true, and support disciplinary action by the Board.

BJH

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<sup>[1]</sup> Affidavit of Service by U.S. Mail, signed by Kristine L. Danielson, May 9, 2000.

<sup>[2]</sup> Ex. 5.

<sup>[3]</sup> Affidavit of Kristine Danielson, June 19, 2000, Ex. 12, and attachments.

<sup>[4]</sup> Id.

<sup>[5]</sup> Affidavit of Service, June 14, 2000, signed by Kristine L. Danielson, and Ex. 13.